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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/605,495 | 10/02/2003 | Mick Shannon | 39240.7300 | 2494 |

20322 7590 08/17/2006

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EXAMINER

SHAPIRO, JEFFERY A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/605,495 | Applicant(s) SHANNON, MICK | |
| | Examiner Jeffrey A. Shapiro | Art Unit 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 8 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 6/9/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how the coin slot communicates with the time clock and how the coin slot and monitor communicates with the time clock.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tree (US 6,651,797).

Regarding Claim 1, Tree discloses an entertainment donation device having a canister (10) with a first end having a coin slot (17) and a second end configured to collect coins in a drawer (20). An entertainment device is located between the first end and second through which coins fall (under the influence of gravity), the coins hitting bumper posts (46) and eventually falling through internal entrance (24) into the drawer (20). Said entertainment device has a transparent means to allow an observer to be entertained by the falling coins. See col. 3, lines 45-60 and col. 4, lines 9-36 as well as figures 1-3. Tree further discloses use of a step in the form of bumper posts (46) as previously mentioned as well as an electronic "amusement evoking means" which can be configured to be either audible or visible. See col. 5, line 65-col. 6, line 18.

Regarding Claim 2, Tree also discloses use of a monitor (60) as shown at figures 4 and 4a and described at col. 6, lines 3-15.

Regarding Claim 3, Tree discloses said canister handling either coins or other items, as mentioned at col. 4, line 50-col. 5, line 6.

Regarding Claim 4, Tree discloses electronic control means (65) connected to a speaker (58) and display (54) and which activates upon entry of a coin to evoke a response as well as to calculate coin totals. This is described at col. 7, lines 43-59. Such a controller, described as being programmable at col. 7, lines 45-50, must have an internal time clock in order to work.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Molbak et al (US 5,564,546).

Tree discloses the system described above. Tree also discloses displaying images on a video screen when coins are deposited into the system, to evoke a response and entertain. Tree does not expressly disclose displaying advertisements upon depositing a coin, however, Molbak discloses displaying advertisements on a video screen (130) at col. 4, lines 12-14.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have displayed advertisements on Tree's display, upon the insertion of coins into the system.

The suggestion/motivation would have been to "evoke a response" from those watching the apparatus operate. See Tree, col. 7, lines 43-53. Also, whether the coins are donated to a charity or saved for one's personal use is considered a matter of intended use, and is not material to the operation of the system.

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Cotton et al (US 4,663,538).

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Tree discloses the system described above. Tree also discloses incorporating multiple coin slots for depositing coins, as described at col. 4, lines 60-67. Tree does not expressly disclose, but Cotton discloses using multiple coins slots, each slot dedicated to a single type of coin, for example a dime and a quarter. See Cotton, figure 2.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used multiple coins slots, each devoted to a particular coin denomination, because one ordinarily skilled in the art would have been motivated by Tree's teaching of using multiple coin slots and Cotton's teaching of dedicating a particular coin slot to a particular denomination.

8. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tree in view of Suzuki (US 5,282,765).

Tree discloses the system described above. Tree does not expressly disclose incorporating a funnel, however, Suzuki discloses using a funnel (6) to accept coins as illustrated at figure 5.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a coin accepting funnel in Tree's apparatus.

The suggestion/motivation would have been because one ordinarily skilled in the art would have been instructed by Tree's teaching at col. 5, lines 2-6, that "any structure known to those ordinarily skilled in the art which will serve to collect and move the coins or other items into the secure storage container 14 will suffice and is included within the scope of the present invention."

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Cotton's funnel (6) is just such a device. Therefore, it would have been obvious to incorporate such a structure into Tree's device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JAS

August 14, 2006



PATRICK MACKEY
PRIMARY EXAMINER